



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2273 OF 2023**

Arjun Harshingh Maher	...	Applicant
versus		
The State of Maharashtra and Anr.	...	Respondents

Mr. Ayub B. Khan, for Applicant.
Mrs. A.A.Takalkar, APP for State.
Mr. Sachin Chaudhari, API Upnagar Police Station, Nashik City, present.

CORAM: N.J.JAMADAR, J.

DATE : 30 AUGUST 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection C.R.No.217 of 2023 registered with Upanagar Police Station for the offences punishable under Sections 419, 420, 467, 471 read with Section 34 of the Indian Penal Code, 1860 and Sections 7 and 8 of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examinations Act, 1982.
3. The first informant is an Administrative Officer at Pimpri Chinchwad Municipal Corporation. On 28 May 2023, he was posted as a head of the examination centre at Futuretech Solutions, Nashik Road, Nashik for the examination held to fill the post of clerk on the establishment of PCMC. One of the candidates was found indulging in mal-practices. He was confronted. He identified himself as Arjun H.

Maher. Upon the examination of the hall ticket, discrepancy with regard to the identity of the candidate who was to appear for the said examination was noticed. His personal search was conducted and electronic device with 2 sim cards and memory card were found in his possession. It further transpired that the co-accused Arjun Ramdhan Rajput was prompting him with answers, at the other end. Upon being further confronted, the said candidate identified himself as Rahul Mohan Nagloth. He was allegedly appearing for the examination in place of Arjun H. Maher, the applicant herein. The first informant, thus, lodged a report with Upnagar Police Station.

4. Apprehending arrest, the applicant has preferred this application.

5. The learned Counsel for the applicant submitted that the applicant has no concern with the candidate who was found impersonating at the examination. The applicant has been roped in on the basis of the statement of co-accused only. There is no material to connect the applicant with the crime.

6. The learned APP, on the other hand, submitted that there is material to show that the accused No.1 was apprehended red hand while impersonating for the applicant, who was the real candidate, and also indulging in the mal-practices by communicating with Accused No.3 on electronic device. The custodial interrogation of the applicant is, therefore, warranted.

7. It was not disputed by the learned Counsel for the Applicant that the Applicant was a candidate for the said examination. It was, however, urged that as the

applicant was unwell, he had not appeared for the said examination. Evidently, the documents establishing the identity of the applicant were found in the custody of the accused No.1, who had allegedly impersonated the applicant. There is prima facie material to indicate that the impersonation would have been for the benefit of the applicant. This fact coupled with the seizure of personal identification documents from the custody of Accused No.1, render it rather difficult to accede to the submission that the applicant had no concern with the candidate who impersonated him. Sanctity of selection process for public employment cannot be permitted to be undermined by resorting to such mal-practices. Custodial interrogation of the applicant is, therefore, necessary to facilitate further investigation and unmask the identity of the persons who indulged in said mal-practices.

8. Hence, the following order :

ORDER

- (i) The Application stands rejected.
- (ii) It is clarified that these prima facie observations are confined to determine the prayer for entitlement for pre-arrest bail only.

(N.J.JAMADAR, J.)